FILED: NASSAU COUNTY CLERK 06/23/2021 12:39 PM INDEX NO. 607893/2021 NYSCEF DOC. NO. Case 9:21-cv-03782 Document 1-2 Filed 07/06/21 Page 1 of Page 1 of Receive NYSCEF: 06/23/2021

SUPREME COURT OF THE COUNTY OF NASSAU	IE STATE OF NEW YORK	INDEX#
DENISE LEONARD,	X	DATE FILED:
	Plaintiff,	Plaintiff designates County of Nassau as the place of trial.
-against- CVS PHARMACY, INC.,		The basis of venue is Plaintiff's residence.
	Defendant. X	SUMMONS Plaintiff's address: 85 Gold Place Malverne, NY 11565

To the above named Defendant:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney, within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Levittown, New York June 23, 2021

THE LATRONICA LAW FIRM, P.C. Attorneys for Plaintiff 64 Division Avenue, Suite 107 Levittown, NY 11756-2995 (516) 796-9700

By: Robert R. Latronica, Or. ROBERT R. LATRONICA, JR., ESQ.

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## **Defendants' Address:**

CVS PHARMACY, INC. 28 Liberty Street New York, NY 10005 FILED: NASSAU COUNTY CLERK 06/23/2021 12:39 PM INDEX NO. 607893/2021 NYSCEF DOC. NO. CASE 9:21-CV-03782 DOCUMENT 1-2 Filed 07/06/21 Page 3 of Page 10 NYSCEF: 06/23/2021

COUNTY OF NASSAU	IE STATE OF NEW YORK 	ζ.
DENISE LEONARD,	2	Index No.:
	Plaintiff,	VERIFIED COMPLAINT
-against-		
CVS PHARMACY, INC.,		
	Defendant.	K

Plaintiff, by her attorneys, THE LATRONICA LAW FIRM, P.C., complaining of the defendant, upon information and belief and at all times hereinafter mentioned, respectfully states and alleges that:

- 1. Plaintiff, DENISE LEONARD, is a resident of the County of Nassau, State of New York.
- 2. Defendant, CVS PHARMACY, INC., is a domestic corporation, organized and existing by virtue of laws of the State of New York.
- Defendant CVS PHARMACY, INC. is a foreign corporation authorized to do business in the State of New York.
- 4. Defendant CVS PHARMACY, INC. is a sole proprietorship authorized to do business in the State of New York.
- 5. Defendant CVS PHARMACY, INC. is a domestic partnership organized and existing pursuant to the laws of the State of New York.
- 6. Defendant CVS PHARMACY, INC. is a limited liability corporation organized and existing pursuant to the laws of the State of New York.
- 7. On July 23, 2018, there existed a premises located at and known as 633 Merrick Road,

- Lynbrook, New York 11563 (hereinafter "premises").
- 8. On July 23, 2018, defendant CVS PHARMACY, INC. owned the premises.
- 9. At said time, defendant CVS PHARMACY, INC. designed the aforesaid premises.
- 10. At said time, defendant CVS PHARMACY, INC. inspected the aforesaid premises.
- 11. At said time, defendant CVS PHARMACY, INC. managed the aforesaid premises.
- 12. At said time, defendant CVS PHARMACY, INC. maintained the aforesaid premises.
- 13. At said time, defendant CVS PHARMACY, INC. controlled the aforesaid premises.
- 14. At said time, defendant CVS PHARMACY, INC. repaired the aforesaid premises.
- 15. At said time, defendant CVS PHARMACY, INC. supervised the aforesaid premises.
- At said time, defendant CVS PHARMACY, INC. made special use of the aforesaid premises.
- 17. At said time and place, plaintiff was lawfully present on the aforesaid premises.
- 18. At said time, the premises was in a dangerous, defective, broken, trap-like and hazardous condition.
- Defendant allowed the premises to become and remain in a dangerous, defective, broken,
   trap-like and hazardous condition.
- 20. At the aforementioned time and place, plaintiff herein was caused to trip and fall due to the dangerous, defective, broken, trap-like and hazardous condition thereat.
- 21. As a result of the foregoing, plaintiff was injured.
- 22. As a result of the foregoing, plaintiff was seriously injured.
- 23. The aforementioned injuries were caused by the negligence, carelessness and recklessness of the defendant, their agents, servants, and/or employees in the ownership, design,

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inspection, management, maintenance, control, repair, supervision and special use of the aforementioned premises.

- 24. One (1) or more of the exemptions set forth in CPLR Rule 1602 apply to this action.
- 25. By reason of the foregoing, plaintiff has been damaged in an amount in excess of the jurisdictional limitations of all the lower courts in which this matter might otherwise have been brought.

**WHEREFORE**, the plaintiff demands judgment against the defendant in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Levittown, New York June 23, 2021

THE LATRONICA LAW FIRM, P.C. Attorneys for Plaintiff 64 Division Avenue, Suite 107 Levittown, NY 11756-2995 (516) 796-9700

By: <u>Robert R. Latronica</u>, <u>Or.</u> ROBERT R. LATRONICA, JR., ESQ. FILED: NASSAU COUNTY CLERK 06/23/2021 12:39 PM INDEX NO. 607893/2021 NYSCEF DOC. NO. 628 9:21-cv-03782 Document 1-2 Filed 07/06/21 Page 6 of 7 Page 10 NYSCEF: 06/23/2021

## **ATTORNEY'S VERIFICATION**

STATE OF NEW YORK	)
	) ss.
COUNTY OF NASSAU	)

I, ROBERT R. LATRONICA, JR., ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirm the following to be true under the penalties of perjury:

I am an attorney with THE LATRONICA LAW FIRM, P.C., attorneys of record for plaintiff, DENISE LEONARD. I have read the annexed:

## SUMMONS AND COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in the file regarding this case.

DATED: Levittown, New York June 23, 2021

Robert R. Latronica, Or. ROBERT R. LATRONICA, JR., ESQ.

**2021 12:39 PM**Filed 07/06/21 Page 7 of 7 Page D # 13
NYSCEF: 06/23/2021 INDEX NO. 607893/2021 CLERK 06/23/ 782 Document 1-2 SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NASSAU Index No.: DENISE LEONARD. Plaintiff, -against-CVS PHARMACY, INC., Defendant. \_\_\_\_\_\_ SUMMONS AND COMPLAINT \_\_\_\_\_\_ THE LATRONICA LAW FIRM, P.C. Attorneys for Plaintiff(s) 64 Division Avenue, Suite 107 Levittown, New York 11756-2995 T: (516) 796-9700 F: (516) 796-9702 Pursuant to 22 NYCRR 130-1.1a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous. THE LATRONICA LAW FIRM, P.C. Dated: Levittown, New York Robert R. Latronica, Or BY: ROBERT R. LATRONICA, JR., ESQ. Service of a copy of the within is hereby admitted. Dated: Attorney For PLEASE TAKE NOTICE that the within is a (certified) copy of entered in the office of the clerk of the Notice of within named Court on Entry that an order of which the within is a true copy will be presented for settlement to Notice of one of the Judges of the within Court on Settlement ata.m.

THE LATRONICA LAW FIRM, P.C. BY: ROBERT R. LATRONICA, JR., ESQ.

Attorneys for Plaintiff(s)
64 Division Avenue, Suite 107
Levittown, New York 11756-2995
T: (516) 796-9700
F: (516) 796-9702

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Dated: